

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE ROMERO,

Defendant.

CR 15-19-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Brandon Lee Romero (Romero) has been accused of violating the conditions of his supervised release. Romero admitted the alleged violation. Romero's supervised release should be revoked. Romero should be placed in custody for 8 months, with 12 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

II. Status

Romero pleaded guilty to Assault Resulting in Serious Bodily Injury on June 30, 2015. (Doc. 47). The Court sentenced Romero to 27 months of custody, followed by 2 years of supervised release. (Doc. 64). Romero's current term of

supervised release began on November 13, 2019. (Doc. 114 at 1).

Petition

The United States Probation Office filed a Petition on November 18, 2019, requesting that the Court revoke Romero's supervised release. (Doc. 114). The Petition alleged that Romero had violated the conditions of his supervised release by failing to report for his 60-day term at Connections Corrections.

Initial appearance

Romero appeared before the undersigned for his initial appearance on December 12, 2019. Romero was represented by counsel. Romero stated that he had read the petition and that he understood the allegations. Romero waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on December 12, 2019. Romero admitted that he had violated the conditions of his supervised release by failing to report for his 60-day term at Connections Corrections. The violation is serious and warrants revocation of Romero's supervised release.

Romero's violation is a Grade C violation. Romero's criminal history category is I. Romero's underlying offense is a Class C felony. Romero could be

incarcerated for up to 24 months. Romero could be ordered to remain on supervised release for up to 32 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Romero's supervised release should be revoked. Romero should be incarcerated for 8 months, with 12 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Romero that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Romero of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Romero that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Brandon Lee Romero violated the conditions of his supervised release by failing to report for his 60-day term at Connections Corrections.

The Court RECOMMENDS:

That the District Court revoke Romero's supervised release and commit him to the custody of the United States Bureau of Prisons for 8 months, with 12 months of supervised release to follow. Romero should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 13th day of December, 2019.



John Johnston
United States Magistrate Judge